

1 BILL NO. R-85-04-35

2 DECLARATORY RESOLUTION NO. R-59-85

3 A DECLARATORY RESOLUTION confirming
4 the designation of an "Economic Re-
5 vitalization Area" under I.C. 6-1.1-
6 12.1.

7 WHEREAS, Common Council has previously designated by
8 Declaratory Resolution the following described property as an
9 "Economic Revitalization Area" under Division 6, Article II,
10 Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana,
11 of 1974, as amended and I.C. 6-1.1-12.1., to-wit:

12 To arrive at the point of beginning,
13 commence on the west line of Lot 16
14 in said Rahdert's Subdivision at the
15 intersection by the southerly right-
16 of-way line of U.S. Highway 30 (Coli-
17 seum Drive) as situated 65 feet south
18 of Line "E" and established in Docu-
19 ment No. 72-17438; thence easterly
20 along a 65 foot right-of-way line, a
21 distance of 228.8 feet to a concrete
22 highway monument; thence southeasterly
23 on the south right-of-way line of U.S.
24 Highway 30, a distance of 151.35 feet
25 to a concrete highway monument as
26 situated 80 feet normally distant
south of said Line "E" and the point
of beginning; thence easterly along
an 80 foot right-of-way line, a dis-
tance of 223.8 feet; thence southerly
by a deflection right of 90 degrees,
a distance of 106.3 feet; thence
southwesterly by a deflection right
of 35 degrees, a distance of 104.0
feet; thence westerly by a deflection
right of 54 degrees 54 minutes, a
distance of 164.1 feet; thence nor-
therly by a deflection right of 90
degrees 06 minutes, a distance of
192.0 feet to the point of beginning,
containing .93 acres of land, more or
less;

27 said property more commonly known as Glenbrook Square, Coliseum
28 Drive, Fort Wayne, Indiana (street address unassigned);

29 WHEREAS, recommendations have been received from the
30 Committee on Finance and the Department of Economic Development
31 concerning said Resolution;

32

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 5-3-2 and a public hearing has been conducted on said Resolution;

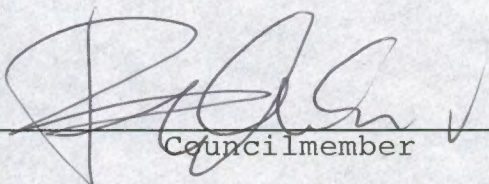
WHEREAS, if said Resolution involves an area that has already been designated an allocation area under I.C. 36-7-14-39, the Fort Wayne Redevelopment Commission has adopted a Resolution approving the designation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

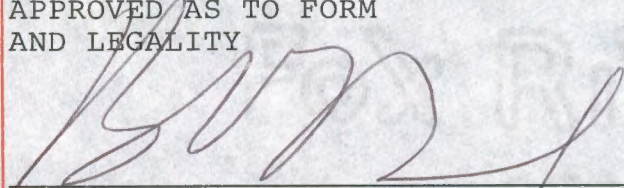
SECTION 1. That, the Resolution previously designating the above described property an "Economic Revitalization Area" is confirmed in all respects.

SECTION 2. That, the above described property is hereby declared an "Economic Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and continue for one (1) year. Said designation shall terminate at the end of that one (1) year period.

SECTION 3. That this Resolution shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.


Councilmember

APPROVED AS TO FORM
AND LEGALITY


Bruce O. Boxberger, City Attorney

Read the first time in full and on motion by Eubank, seconded by Henry, and duly adopted, read the second time by title and referred to the Committee Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on Tuesday, the 14th day of May, 19 85, at 5:00 o'clock P..M., E.S.

DATE: 4-23-85

Margie Eubank
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry, seconded by Henry, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BRADBURY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BURNS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>EISBART</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>GIAQUINTA</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>HENRY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>REDD</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>STIER</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>TALARICO</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

DATE: 5-14-85

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (~~GENERAL~~) (~~SPECIAL~~) (~~ZONING MAP~~) ORDINANCE (RESOLUTION) NO. B-59-85 on the 14th day of May, 19 85,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark E. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of May, 19 85, at the hour of 2:00 o'clock P..M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 23rd day of May, 19 85, at the hour of 2:00 o'clock P..M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

APPLICATION FOR DESIGNATION
AS AN ECONOMIC REVITALIZATION AREA
-REAL ESTATE TAX ABATEMENT-



This application is to be completed and signed by the owner of the property where development or rehabilitation is to occur. The City of Fort Wayne, Indiana, reviews this application for designation as an "Economic Revitalization Area" in regards to its responsibility under Public Law 69, enacted by the General Assembly of the State of Indiana in 1977; and all subsequent amendments made by the General Assembly thereafter.

1. Applicant Daniel Auriti
2. Owner(s) Phaedra Corporation (under purchase contract)
3. Address of Owner(s) 1080 Woodcock Rd.
Suite 210
Orlando, FL 32803
4. Telephone Number of Owner(s) (305) 896-6610
5. Relationship of Applicant to Owner(s) if any President
6. Address of Applicant 3640 Woodstork Ct.
Fort Myers, FL 33908
7. Telephone number of Applicant (813) 433-4885
8. Address of Property Seeking Designation Glenbrook Square,
Coliseum Drive, Fort Wayne (street address unassigned)
9. Legal Description of Property Proposed for Designation (may be attached) See Exhibit A
10. Township City of Washington
11. Taxing District --

12. Current Zoning B-2D
13. Variance Granted (if any) --
14. Current Use of Property
- a. How is property presently used? Unused vacant ground
- b. What Structure(s) (if any) are on the property? None
- b. What is the condition of this structure/these structures? N/A
15. Current Assessed Value of Real Estate Not separately assessed --
small unimproved parcel of land now part of Glenbrook Square
- a. Land N/A
- b. Improvements N/A
16. Amount of Total Property Taxes Owed During the Immediate Past Year
-
17. Description of Proposed Improvements to the Real Estate Construction
of a 7700-square-foot restaurant building, seating approximately 300
persons, and related improvements and appurtenances.
18. Development Time Frame
- a. When will physical aspects of development or rehabilitation begin?
Approximately June 1985
- b. When is completion expected? Approximately October 1985
19. Cost of Project (not including land costs) \$1 million

20. Permanent Jobs Resulting from Completed Project

a. How many permanent jobs will be employed at of in connection with the project after it is completed? Approximately 120

lation of this new manufacturing equipment? _____

b. What is the nature of those jobs? Service-oriented: Supervisors, managers, hosts/esses, servers, buspersons, cooks, kitchen workers

c. Anticipated time frame for reaching employment level stated above?

Immediately upon opening

21. Additional municipal services necessitated by installation of new manufacturing equipment (e.g. enlargement of sewer, etc.) None

22. Undesirability for Normal Development

What evidence can be provided that the project property is located in an area "which has become undesirable for, or impossible of, normal development and occupancy because of a lack of age, development, cessation of growth, deterioration of improvements or character of occupancy, obsolescence, substandard buildings or other factors which have impaired values or prevent a normal development of property or use of property"? Although there are some bright spots in the local

economy, there is virtually no population growth in Fort Wayne, real

estate values are stagnant, there is little new construction, and

the average household income is substantially below the level that

a dinnerhouse should be comfortable with. Population density also

is thin in the area of our site, reducing the number of potential

households who will dine in our restaurant.

23. How will the proposed designation further the economic development objectives of the City of Fort Wayne? Project will employ 120 persons, and will result in purchases of food and related products of over \$2 million annually from local vendors and suppliers.

24. Instrument Number of Commitments or Covenants Enforceably by the City of Fort Wayne or Allen County (if any). Provide brief description of same, or a copy thereof. None

25. Zoning Restrictions

Will this project require a rezoning, variance, or approval before construction is initiated? YES X NO

26. Financing on Project

What is the status of financing connected with this project?

Firm construction loan commitment is in place. Permanent financing will be provided through sale-leaseback with an existing investor pursuant to a firm commitment.

I hereby certify that the information and representation on this Application are true and complete.

Phaedra Corporation

By: _____
Signature(s) of Owners

4/6/85

Date

Information Below to be filled in by Department of Economic Development:

Date Application Received:

4/8/85

Date Application Forwarded to Law Dept:

Date of Legal Notice Publication:

Date of Public Hearing:

Date of Building Permit:

Approved or Denied? Date:

Allocation Area:

EXHIBIT A

Legal description of parcel in Glenbrook Square:

To arrive at the point of beginning, commence on the west line of Lot 16 in said Rahdert's Subdivision at the intersection by the southerly right-of-way line of U.S. Highway 30 (Coliseum Drive) as situated 65 feet south of Line "E" and established in Document No. 72-17438; thence easterly along a 65 foot right-of-way line, a distance of 228.8 feet to a concrete highway monument; thence southeasterly on the south right-of-way line of U.S. Highway 30, a distance of 151.35 feet to a concrete highway monument as situated 80 feet normally distant south of said Line "E" and the point of beginning; thence easterly along an 80 foot right-of-way line, a distance of 223.8 feet; thence southerly by a deflection right of 90 degrees, a distance of 106.3 feet; thence southwesterly by a deflection right of 35 degrees, a distance of 104.0 feet; thence westerly by a deflection right of 54 degrees 54 minutes, a distance of 164.1 feet; thence northerly by a deflection right of 90 degrees 06 minutes, a distance of 192.0 feet to the point of beginning, containing .93 acres of land, more or less.



The City of Fort Wayne

May 6, 1985

Ben Eisbart
Fort Wayne Common Council
One Main Street
Fort Wayne, IN 46802

Re: Tax Abatement Application For Cheddar's Burgers & Such

Dear Mr. Eisbart:

On April 10, 1985, an application for tax abatement was filed in the office of the Department of Economic Development requesting designation of the property located at Glenbrook Square as an "Economic Revitalization Area" for the purposes of tax abatement. The application was then referred to the Law Department for drafting of a Declaratory Resolution.

Action

The Department of Economic Development conducted a staff review of the project on April 22, 1985. A formal review of the site and an interview with Daniel Auriti was conducted.

Recommendation

Based upon the above action, the Department of Economic Development is recommending to the Common Council a "Do Pass" to your Declaratory Resolution designating:

"SEE ATTACHED"

As an "Economic Revitalization Area" for purposes of I.C. 6-11-12.1, as enacted by the General Assembly of the State of Indiana.

Mr. Eisbart
March 18, 1985
Page 2

Rationale

The above stated recommendation is based upon the following rationale:

High Cost of Land
Effective Utilization of Vacant Under-Utilized Land
Increase in Employment (120) Jobs
Improvement of the Physical Appearance of the City

If you need any additional information, please do not hesitate to contact me at 427-1127.

Sincerely,



Jim Partin
Business Planning Specialist
Department of Economic Development

del

6989

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE Declaratory Resolution

Q-85-04-25

DEPARTMENT REQUESTING ORDINANCE Economic Development

SYNOPSIS OF ORDINANCE A Declaratory Resolution confirming the designation of an "Economic Revitalization Area" under I.C. 6-1.1-12.1.

(Glenbrook Square, Coliseum Drive; Cheddar's Burger & Such)

EFFECT OF PASSAGE A 7700-square-foot restaurant building will be constructed on presently unused vacant ground. The Project will employ 120 persons, and will result in purchases of food and related products of over \$2 million annually from local vendors and suppliers.

EFFECT OF NON-PASSAGE Opposite of the above.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) \$1 million

ASSIGNED TO COMMITTEE (PRESIDENT) _____



The City of Fort Wayne

April 25, 1985

Ms. Trudy Sterling
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Sterling:

Please give the attached full coverage on the date of April 29, 1985, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN.

Declaratory Resolutions

Bills No.	R-85-04-34 & R-85-04-35
" "	R-85-04-40 & R-85-04-41
" "	R-85-04-42 & R-85-04-43

Please send us 4 copies of each of the above Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 3

NOTICE OF PUBLIC HEARING
FORT WAYNE
COMMON COUNCIL

(RESOLUTIONS NO. R-85-04-34 AND R-85-04-35)

Notice is hereby given that the Common Council of the City
of Fort Wayne, Indiana, approved a Resolution on April 23, 1985,
date


designating property at Glenbrook Square, Coliseum Drive;
Cheddar's Burger & Such

an Economic Revitalization Area. A description of the affected area
can be inspected in the County Assessor's Office.

Common Council will conduct a public hearing on whether
the above described resolution should be confirmed, modified and
confirmed or rescinded on Tuesday, May 14, 1985, at 7:00 P.M.,
date, time & place
City-County Building, One Main Street, Common Council Conference Room 128,
Fort Wayne, IN

If confirmed, said designation shall continue for one (1) year after
confirmation.

All interested persons are invited to attend and be heard
at the public hearing.



Sandra E. Kennedy
City Clerk

Fort Wayne Common Council

(Governmental Unit)

Allen

County, IN

To

JOURNAL-GAZETTE

Dr.

P.O. BOX 100

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

3

17

2

22

COMPUTATION OF CHARGES

22 lines, 1 columns wide equals 22 equivalent lines at .300¢ \$ 6.60

cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra 1.00

TOTAL AMOUNT OF CLAIM \$ 7.60

DATA FOR COMPUTING COST

Width of single column 12.5 picas

Size of type 6 point

Number of insertions 1

Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Roose

Title CLERK

FORM #904

PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that he/she is CLERK of the JOURNAL-GAZETTE DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time the dates of publication being as follows: 4/29/85

Subscribed and sworn to me before this 29th day of April 19 85

Anne M. Perkins

Notary Public

My commission expires November 29, 1985

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(RESOLUTIONS NO. R-85-04-34 AND R-85-04-35)
Notice is hereby given that the Common Council of the City of Fort Wayne, Indiana, approved a Resolution on April 23, 1985, designating property at Glenbrook Square, Coliseum Drive; Cheddar's Burger & Such an Economic Revitalization Area. A description of the affected area can be inspected in the County Assessor's Office.
Common Council will conduct a public hearing on whether the above described resolution should be confirmed, modified and confirmed or rescinded on Tuesday, May 14, 1985, at 7:00 P.M., City-County Building, One Main Street, Common Council Conference Room 128, Fort Wayne, IN. If confirmed, said designation shall continue for one (1) year after confirmation.
All interested persons are invited to attend and be heard at the public hearing.
Sandra E. Kennedy
City Clerk

Fort Wayne Common Council

(Governmental Unit)

Allen

County, IN

To

NEW-SENTINEL

Dr.

P.O. BOX 100

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines		
Head	number of lines		3
Body	number of lines		17
Tail	number of lines		2
Total number of lines in notice			22

COMPUTATION OF CHARGES

22	lines,	1	columns wide equals	22	equivalent lines at	.300¢	\$ 6.60
cents per line							
Additional charge for notices containing rule or tabular work (50 per cent of above amount)							
Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra							1.00
TOTAL AMOUNT OF CLAIM							\$ 7.60

DATA FOR COMPUTING COST

Width of single column 12.5 picas	Size of type	6	point
Number of insertions	Size of quad upon which type is cast	6	

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Roose

Title

CLERK

Date Apr. 29 19 85

FORM #903

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that he/she is CLERK of the NEWS-SENTINEL a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time, the dates of publication being as follows: 4/29/85

Subscribed and sworn to me before this 29th day of April 19 85

Anne M. Perkins
Notary Public

My commission expires November 29, 1985

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(RESOLUTIONS NO. R-85-04-34 AND R-85-04-35)
Notice is hereby given that the Common Council of the City of Fort Wayne, Indiana, approved a Resolution on April 23, 1985, designating property at Glenbrook Square, Coliseum Drive, Cheddar's Burger & Such an Economic Revitalization Area. A description of the affected area can be inspected in the County Assessor's Office.
Common Council will conduct a public hearing on whether the above described resolution should be confirmed, modified and confirmed or rescinded on Tuesday, May 14, 1985, at 7:00 P.M., City-County Building, One Main Street, Common Council Conference Room 128, Fort Wayne, IN. If confirmed, said designation shall continue for one (1) year after confirmation.
All interested persons are invited to attend and be heard at the public hearing.
Sandra E. Kennedy
City Clerk

4/29

BILL NO. R-85-04-35

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN ~~(ORDINANCE)~~ (RESOLUTION) confirming the
designation of an "Economic Revitalization Area" under I.C.
6-1-1.12.1 (Glenbrook Square, Coliseum Drive,)

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)

(RESOLUTION) DO PASS DO NOT PASS WITHDRAWN

YES

NO

BEN A. EISBART
CHAIRMAN

JANET G. BRADBURY
VICE CHAIRWOMAN

SAMUEL J. TALARICO

THOMAS C. HENRY

JAMES S. STIER

CONCURRED IN 5-14-85

SANDRA E. KENNEDY
CITY CLERK